REMARKS

The Examiner has reiterated the rejection of claims 1-5, 7, 8, 11, 13, 15 and 22-24 under 35 U.S.C. 102(b) as being anticipated by Manome et al; of claims 6, 14 and 18 under 35 U.S.C. 103(a) as being unpatentable over Manome et al in view of Weller; of claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Manome et al in view of Hoogendijk; of claims 16, 17 and 19 under 35 U.S.C. 103(a) as being unpatentable over Manome et al in view of Nygaard et al; and of claims 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Manome et al. In response to Applicants' argument the Examiner states that the step of "verifying that said calibration signal communicated by the probe is a valid calibration signal" is not particularly limited and may be interpreted in many ways, such as described by Manome et al at column 1, lines 21-33 and column 2, lines 9-34; and that Applicants' argument depends on a narrow interpretation of the newly added limitations to be accurate where Manome et al clearly disclose applying a calibration signal to a probe, receiving that signal from the output of the probe and detecting if the output signal is a correct signal which clearly meets the newly added limitations (referencing column 1, lines 11-30). Applicants respectfully traverse this conclusion by the Examiner.

Manome et al disclose as prior art applying a square wave to a probe and observing the output on an oscilloscope. If the output is correct, the probe is calibrated; otherwise the probe calibration is manually adjusted. The specific calibration technique taught by Manome et al is to compare the maximum and minimum peaks of the square wave output from the probe with threshold levels to

obtain a sequence of "1"s and "0"s from multiple sample points for one cycle of the calibration signal. From the sequence of "1"s and "0"s a processor determines a duty cycle and compares that with the known duty cycle of the calibration signal. If the duty cycles are equal, the probe is calibrated; otherwise the probe calibration is manually adjusted. Nothing in this description indicates any test or automatic verification as to whether the signal that is applied to the probe is a true or valid calibration signal because Manome et al starts from the presumption that "an attenuation probe receives a square-wave signal having known characteristics." The only "verification" possible by Manome et al is a manual, visual verification which may not be accurate if an actual signal similar to a calibration signal, as opposed to an actual calibration signal, is being received by the probe.

It would appear from the Examiner's response to Applicants' arguments that the Examiner recognizes that claims 1, 19, 22 and 25 contain patentable subject matter if the language is suitably clarified. Therefore Applicants have amended these claims to recite merely that "a signal" is applied to the probe and from an output signal of the probe a verification automatically (as opposed to manually – visually) is performed to determine if "the applied signal is a valid calibration signal." Then, if the applied signal is verified as a valid calibration signal, a determination is made from the probe output signal whether the probe operation is inappropriate, i.e., the calibration process proceeds. Other claims are amended to be in conformity with the amended independent claims. Thus as amended claims 1, 19, 22 and 25, together with the remaining claims dependent therefrom, are deemed to be allowable as being neither anticipated nor rendered obvious to one of ordinary skill in the art by Manome et al, either singly or in combination with

Weller, Hoogendijk or Nygaard et al.

In view of the foregoing amendment and remarks entry of this amendment and allowance of claims 1-11, 13-19 and 22-26 are urged, and such action and the issuance of this case are requested. If the Examiner maintains the rejection of these claims, entry of this amendment is requested as clarifying the issues for appeal.

Respectfully submitted,

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